

## **REMARKS**

The Applicant gratefully acknowledges the thorough examination to date, and has made an effort to fully respond to all of the issues raised by the Examiner. Applicant has taken care and believes that no new matter has been introduced by way of this response. Reconsideration of the application in view of the following amendments and remarks is respectfully requested.

Claims 1 – 164 of this application are still pending. The Applicant has amended independent claims 1, 41, 93, and 124, pursuant to the teleconference with the Examiner held on Thursday, February 19, 2009, to further expressly define that the house only pays the player the scrip each time the player wins the game of uncertain outcome. During that interview, the amendments introduced in this response were discussed with the Examiner.

The Applicant is not conceding in this patent application that said amended claims are not patentable over the art cited by the Examiner, since the claim amendments and cancellations are only for facilitating expeditious prosecution of this patent application. Applicant respectfully reserves the right to pursue said amended and canceled claims, and other claims, in one or more continuations and/or divisional patent applications.

**35 U.S.C. § 103(a)**

The Examiner rejected claims 1-21, 26-34, 37, 41-61, 66-74, 77, 93-104, 109-117, 120, 124-135, 140-148, 151, and 155-159 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Weiss (U.S. Patent No. 6,511,377 B1) in further view of OFFICIAL NOTICE.

Applicant respectfully contends that currently amended claims 1-21, 26-34, 37, 41-61, 66-74, 77, 93-104, 109-117, 120, 124-135, 140-148, 151, and 155-159 are non-obvious and patentable over Weiss in view of the OFFICIAL NOTICE because Weiss in view of the OFFICIAL NOTICE does not teach, disclose, or suggest each and every element of the claims. As discussed during the interview with the Examiner on Thursday, February 19, 2009, Weiss in view of the OFFICIAL NOTICE does not teach or suggest that “the house only pays the player the scrip each time the player wins the game of uncertain outcome.” Independent claims 1, 41, 93 and 124 have been amended to include this limitation. Applicant has taken care to assure that no new matter has been added with this limitation. Support for this amendment may be found beginning on page 9, line 10 of the originally filed specification. This section of the originally filed specification outlines specifically how the scrip is given by the house and received by a player:

“If the player starts playing with betting capital of \$1000 and bets \$100 in each game, then on the average the player will win 1 out of 10 games played and when the player wins, the player will receive \$800 in cash and 250 units of relevant scrip as a return on the \$100 winning bet. In the 10 games played, on the average the player will lose \$900 in the 9 out of 10 games and will win \$800 in cash and 250 units of relevant scrip in 1 of the 10 games.”

Applicant's Specification, page 9, line 10.

In contrast to the teaching of the present invention, both of these references only teach that the player somehow accumulates points while they play. However, these references fail to specify exactly how the house provides the player with points. According to Weiss:

Specifically, players may be monitored at a table game by simply giving their player card to pit personnel and having the pit personnel note the player start time. After the player has finished, the pit personnel enters rating information into the player tracking system. Thus, points and complimentary dollars are accumulated based on player skill rating, play time, game speed, average bets or other criteria.

Weiss, column 4, lines 45 – 52. Likewise, the OFFICIAL NOTICE cites a “gift point system” which is “dependent on the player’s amount of play.” Again, this reference is not specific as to how the house calculates their “gift point system.”

Clearly, however, neither reference teaches paying a winning player in both cash currency and scrip currency when they win on a bet. This is completely different than “comping” a player for the amount of time the player played or money a player has bet. This difference can be demonstrated by way of example. In a “comp system,” taught by Weiss and the OFFICIAL NOTICE, if a player bets 1000\$ and loses every game, he will retain X comp points, where X is a function of the time and amount that the player bet. However, in the present invention, if the player bets 1000\$ and loses every game, he will also retain 0 dollars in scrip.

In light of the arguments made hereinabove, Applicant respectfully contends that claims 1, 41, 93, 124 are not unpatentable under 35 U.S.C. § 103(a) over Weiss in view of the OFFICIAL NOTICE and that claims 1, 41, 93 and 124 are in condition for allowance. Likewise, because claims 2-21, 26-34, 37, 42-61, 66-74, 77, 94-104, 109-117, 120, 125-135, 140-148, 151, and 155-159 depend from claims 1, 41, 93, and 124, Applicants respectfully contend that claims 2-21, 26-34, 37, 42-61, 66-74, 77, 94-104, 109-117, 120, 125-135, 140-148, 151, and 155-159 are in condition for allowance. Applicants therefore respectfully request the Examiner withdraw the rejection under 35 U.S.C. § 103(a).

The Examiner also rejected claims 22-25, 35-36, 38-40, 62-65, 75-76, 78-80, 105-108, 118-119, 121-123, 136-139, 149-150, 152-154, and 160-164 under 35 U.S.C. § 103(a) as

allegedly being unpatentable over Weiss (U.S. Patent No. 6,511,377 B1) and further in view of Walker (U.S. Patent App. 2003/0060276). Because claims 22-25, 35-36, 38-40, 62-65, 75-76, 78-80, 105-108, 118-119, 121-123, 136-139, 149-150, 152-154, and 160-164 depend from claims 1, 41, 93, and 124, Applicants respectfully contend that claims 22-25, 35-36, 38-40, 62-65, 75-76, 78-80, 105-108, 118-119, 121-123, 136-139, 149-150, 152-154, and 160-164 are also in condition for allowance. Applicants therefore respectfully request the Examiner withdraw this rejection under 35 U.S.C. § 103(a).

### CONCLUSION

Based on the preceding arguments, Applicants respectfully believe that all pending claims and the entire application meet the acceptance criteria for allowance and therefore request favorable action. If the Examiner believes that anything further would be helpful to place the application in better condition for allowance, Applicants invites the Examiner to contact Applicants' representative at the telephone number listed below. The Director is hereby authorized to charge and/or credit Deposit Account 19-0513.

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/Arlen L. Olsen/

Arlen L. Olsen  
Registration No. 37,543  
Customer No. 05409

Schmeiser, Olsen & Watts  
22 Century Hill Drive, Suite 302  
Latham, New York 12110  
Telephone (518) 220-1850  
Facsimile (518) 220-1857  
E-mail: aolsen@iplawusa.com